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5                   UNITED STATES DISTRICT COURT  
6                   WESTERN DISTRICT OF WASHINGTON  
7                   AT TACOMA

8                   TIFFANY RECINOS,

9                   Plaintiff,

v.

10                  NATIONWIDE GENERAL  
11                  INSURANCE COMPANY,

12                  Defendant.

13                   CASE NO. C23-5097 BHS

14                   ORDER

15                  THIS MATTER is before the Court on pro se plaintiff Tiffany Recinos's motion  
16                  to recuse, Dkt. 169. The motion asserts:

17                  In the above-entitled action against the Insurance Commissioner, Judge  
18                  BHS has shown lack of impartiality. Plaintiff now moves the court to put  
19                  Judge BHS on notice and to Recuse (remove) him from this case and  
20                  possibly just STEP DOWN FROM JUDGSHIP AND RETIRE. A  
21                  Mandamus and Abuse of Discretion Review are required and Judge BHS  
22                  refuses to allow justice to be served.

19                  *Id.* at 1 (emphasis removed).

20                  Under the Local Rules of this District, a motion for recusal is addressed first by  
21                  the presiding judge and, if the judge does not recuse voluntarily, the matter is referred to

1 the chief judge for review. *See* Local Rules W.D. Wash. LCR 3(f). This Court therefore  
2 considers Recinos's motion in the first instance.

3 A federal judge should recuse himself if "a reasonable person with knowledge of  
4 all the facts would conclude that the judge's impartiality might reasonably be  
5 questioned." *Yagman v. Republic Ins.*, 987 F.2d 622, 626 (9th Cir. 1993) (internal  
6 quotation omitted); *see also* 28 U.S.C. § 144; 28 U.S.C. § 455. This is an objective  
7 inquiry concerned with whether there is the appearance of bias, not whether there is bias  
8 in fact. *See Preston v. United States*, 923 F.2d 731, 734 (9th Cir. 1991); *see also United*  
9 *States v. Conforte*, 624 F.2d 869, 881 (9th Cir. 1980). Absent specific allegations of  
10 personal bias, prejudice, or interest, neither prior adverse rulings of a judge, nor his  
11 participation in a related or prior proceeding, is sufficient to establish bias. *See Davis v.*  
12 *Fendler*, 650 F.2d 1154, 1163 (9th Cir. 1981). "[J]udicial rulings alone almost never  
13 constitute a valid basis for a bias or partiality motion." *Liteky v. United States*, 510 U.S.  
14 540, 555 (1994). To the contrary, "[a]lmost invariably, they are proper grounds for  
15 appeal, not recusal." *Id.*

16 Recinos makes no specific (or even general) accusation of personal bias or interest  
17 in the case; no claim of a conflict of interest, or some prior relationship with her or  
18 defendant Nationwide, or any of the other situations she accurately quotes in 28 U.S.C.  
19 § 455. Dkt. 169 at 2. Instead, Recinos simply states—based on the Court's rulings in this  
20 case—that the Court "has shown lack of impartiality." *Id.* at 1. She alleges not a single  
21 fact in support of this claim, and she cannot.

22

1 The Court will not recuse voluntarily. Recinos's motion to recuse, Dkt. 169, is  
2 **DENIED**. Under Local Civil Rule 3(f), this matter is **REFERRED** to Chief Judge David  
3 G. Estudillo for review.

## IT IS SO ORDERED.

Dated this 8th day of August, 2023.

  
BENJAMIN H. SETTLE  
United States District Judge